BEFORE THE BOARD OF MEDICAL EXAMINERS IN THE STATE OF ARIZONA

In the Matter of:	Board Investigation No. 12769
CHUCK S.G. MANGUBAT, M.D.))
Holder of License No. 24330 For the Practice of Allopathic Medicine In the State of Arizona,	CONSENT AGREEMENT AND ORDER
Respondent.	<i>)</i>))

INTRODUCTION

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and responsibilities of the Arizona State Board of Medical Examiners ("Board"), and pursuant to A.R.S. §§ 32-1401 et seq. and 41-1092.07(F) (5), the undersigned party, Chuck S.G. Mangubat, M.D., holder of license number 24330 to practice allopathic medicine in the State of Arizona ("Respondent"), and the Board enter into the following Findings of Fact, Conclusions of Law and Order ("Consent Order") as the final disposition of this matter.

- 1. The parties stipulate that this Consent Order represents a compromise of a disputed matter between the Board and Respondent, and agree to the entry of this Consent Order for the purpose of terminating that disputed matter.
- 2. All admissions made by Respondent in this Consent Order are made solely for the final disposition of this matter, and any related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, any admissions made by Respondent in this Consent Order are not intended or made for any other use, such as in the context of another regulatory agency proceeding, or civil or court proceeding, whether in the State of Arizona or in any other state or federal court.

3. Respondent denies the allegations contained in paragraphs 3-4 of the Findings of Facts, but for the purposes of this Consent Order acknowledges that sufficient evidence exists for the Board to make the following Findings of Fact:

FINDINGS OF FACT

- 1. The Board is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.
- 2. Chuck S. G. Mangubat, M.D., is the holder of License No. 24330 for the practice of allopathic medicine in the State of Arizona.
- 3. On or about February 22, 1999, Patient W.V. sought treatment from Dr. Mangubat, who was her primary care physician, to follow up on hospital treatment she received earlier in the month for bleeding in the upper gastrointestinal tract secondary to gastritis, and to obtain refills for maintenance medications. Respondent alleges that he performed a physical examination of W.V. during that visit, and his medical records concerning that visit state that he performed a detailed physical examination of W.V. However, Respondent did not perform an adequate physical examination of W.V. during that visit.
- 4. On or about March 16, 1999, Patient W.V. again sought treatment from Dr. Mangubat concerning involuntary muscle twitching she was experiencing in her upper extremities, especially when trying to sleep. Respondent alleges that he performed a physical examination of W.V. during that visit, and his medical records concerning that visit state that he performed a detailed physical examination of W.V. However, Respondent did not perform an adequate physical examination of W.V. during that visit.
- 5. On or about August 27, 1999, during an investigative interview with the Board's investigator and medical consultant, Respondent stated that he had performed detailed physical examinations of the patient during the visits on or about February 22, 1999,

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On or about October 10, 1999, in a written statement to the Board about the 6. allegations that had been made against him, Respondent stated that he had performed detailed physical examinations of the patient during the visits on or about February 22, 1999, and March 16, 1999.

CONCLUSIONS OF LAW

- The Board possesses jurisdiction over the subject matter and over Respondent. 1.
- The conduct and circumstances described above constitute unprofessional 2. conduct pursuant to A.R.S. § 32-1401(25)(e)(failing or refusing to maintain adequate records on a patient).
- The conduct and circumstances described above constitute unprofessional 3. conduct pursuant to A.R.S. § 32-1401(25)(t)(knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED that Chuck S.G. Mangubat, M.D., the holder of License No. 24330 for the practice allopathic medicine in the State of Arizona, shall be PLACED ON PROBATION for a period of two (2) years subject to the following terms and conditions:

Respondent shall complete ten (10) hours of Board staff pre-approved, A. category one continuing medical education (CME) in medical ethics, and ten (10) hours of Board staff pre-approved, category one CME in maintaining patient medical records. These 20 hours of CME credit shall be in addition to the minimum statutorily mandated requirements for CME. Respondent shall provide documentary proof to the Board staff that he has satisfactorily completed these additional 20 hours of CME credits within six (6) months from the effective date of this Order;

- B. Respondent's patient medical records shall be subject to review by the Board staff during the entire probationary period at dates and times set at the discretion of the Board staff. Board staff shall report their findings to the Board. The Board retains jurisdiction to take additional disciplinary action, including opening a new investigation, based upon the results of the records review.
- C. If Respondent leaves Arizona to reside or practice medicine outside the State, Respondent shall notify the Executive Director in writing within ten (10) days of both departure and return. If Respondent stops practicing medicine in Arizona for any reason, Respondent shall notify the Executive Director in writing within ten (10) days of both the beginning and ending dates of non-practice within Arizona. Non-practice is defined as any period of time exceeding thirty (30) days during which Respondent is not engaging in the practice of medicine. Periods of temporary or permanent residence or practice outside Arizona, or of non-practice within Arizona, shall not apply to the reduction of the probationary period.

DATED and effective this 30th day of april , 2001

BOARD OF MEDICAL EXAMINERS OF THE STATE OF ARIZONA

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By: Laudia Oout CLAUDIA FOUTZ Executive Director

CONSENT TO ORDER

CHUCK S.G. MANGUBAT, M.D., holder of License No. 24330 for the practice of allopathic medicine in the State of Arizona, hereby agrees as follows:

- 1. Respondent has read and understands the foregoing Consent Order, and the Consent Agreement set forth herein, and has had the opportunity to discuss them with an attorney. Respondent voluntarily enters into this Consent Agreement and Order for the purpose of avoiding the expense and uncertainty of an evidentiary hearing.
- 2. Respondent understands that he has a right to a public hearing concerning each and every allegation set forth in the above-captioned matter, at which hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement and Order, Respondent freely and voluntarily relinquishes all right to such a hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other judicial action, concerning the matters set forth herein. Respondent affirmatively agrees that the Consent Agreement and Order shall be irrevocable.
- 3. Respondent agrees that the Board may adopt the foregoing Findings of Fact, Conclusions of Law and Order, pursuant to A.R.S. § 32-1451(G)(5). Respondent understands that the Findings of Fact, Conclusions of Law and Order may be considered in any future disciplinary action against him.
- 4. Respondent understands that this Consent Agreement and Order do not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding. Respondent also understands that acceptance of this Consent Agreement and Order does not preclude any other agency, subdivision or officer of this state from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this

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- Respondent understands that the foregoing Consent Order shall not become 5. effective unless and until adopted by the Board and signed by the Executive Director.
- Respondent understands and agrees that if the Board does not adopt the 6. Consent Agreement and Order, he will not assert as a defense that the Board's consideration of the Consent Agreement and Order constitutes bias, prejudice, prejudgment or other similar defense.
- Respondent understands that this Consent Agreement and Order are a public 7. record that may be publicly disseminated as a formal action of the Board, and shall be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.
- Respondent understands that any violation of the foregoing Consent Order 8. constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(r)(violating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under the provisions of this chapter) and may result in disciplinary action pursuant to A.R.S. § 32-1451. IN 1st

DATED: - 3.16 2001

CHUCK S.G. MANGUBAT, M.D.

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1	ORIGINAL OF THE FOREGOING FILED this 2/11 day of April , 2001, with:
3	Board of Medical Examiners 9545 E. Doubletree Ranch Road Scottsdale, AZ 85258
5	EXECUTED COPY OF THE FOREGOING MAILED this 30th day of, 2001, to:
6 7	Chuck S.G. Mangubat, M.D. 2525 E. Arizona Biltmore Circle, #2 Phoenix, Arizona 85016 Respondent
9	Roger N. Morris, Esq. Laura A. Carpenter, Esq.
10	Streich Lang, P.A. Two North Central Avenue Phoenix, Arizona 85004-2391
11 12	Attorneys for Respondent Stephen A. Wolf, Esq.
13 14	Assistant Attorney General 1275 W. Washington, CIV/LES Phoenix, AZ 85007 Attorney for the State of Arizona
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